

REMARKS/ARGUMENTS

Regarding the §112, second paragraph rejection of claims 5-8, the amendment to claim 5 overcomes this rejection.

Regarding the §112, second paragraph rejection of claims 1 and 3-21 as allegedly omitting essential elements, a claim that omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. § 112, first paragraph, if non-enabling, pursuant to *In re Mayhew*. See MPEP § 2172.01. However, the requirement for such a rejection is that those omitted elements be “disclosed to be essential to the invention as described in the specification or other statements”. MPEP § 2172.01. “In addition, a claim which fails to interrelate *essential elements* of the invention *as defined by applicant(s) in the specification* may be rejected under 35 U.S.C. §112, second paragraph, for failure to point out and distinctly claim the invention.” MPEP § 2172.01 (emphasis added). Here, the Office Action is apparently deeming certain elements essential, but there is no statement to that effect of record or in the specification as filed.

For example, in MPEP § 2164.08(c), it is stated that “features which are merely preferred are not considered to be critical.” Further, it is explained that limiting an applicant to preferred materials in the absence of limiting prior art would not serve the constitutional purpose of promoting the progress in the useful arts. *Id.* Finally, it is pointed out that “therefore an enablement rejection based on grounds that disclosed critical limitation is missing from the claims should be made *only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended. Broad language in the disclosure, including the abstract, omitting the allegedly critical feature, tends to rebut the argument of criticality.*” (emphasis added).

Here the allegedly essential elements are not set forth in the abstract. Nothing in the specification suggests that the particular location of where the priority assignments are made is critical or essential. Therefore, the rejection is overcome.

Regarding the rejection of pending independent claims 1, 14 and 18 under §103(a) over U.S. Patent No. 6,353,871 (Benveniste) and U.S. Patent No. 6,601,151 (Harris), Applicants respectfully traverse the rejection. In this regard, neither reference anywhere teaches or suggests a main memory that includes a compression cache, a compressed memory, and a compressed memory pointer table. In this regard, the prior art shown in Benveniste includes only a

compressed memory within main memory: there is no compression cache or compressed memory pointer table in the main memory. Further, in the rest of Benveniste the main memory only includes a compressed memory. Harris adds nothing in this regard. Furthermore, neither reference anywhere teaches or suggests that a hit signal of a tag match is sent to a memory controller to schedule an uncompressed data access from a compression cache if a bit occurs.

With regard to independent claim 14, the cited references further fail to teach or suggest that uncompressed data is accessed from the compression cache of a main memory responsive to an uncompressed access scheduling by memory controller if a tag match resulted in a hit, and if instead a miss results, data is accessed directly from a victim buffer of a memory interface. As the cited references further fail to teach or suggest this scheduling or the victim buffer, claim 14 is patentable for these further reasons. The dependent claims from these independent claims are similarly patentable for at least the same reasons, as additional secondary references fail to teach or suggest this subject matter.

Regarding the §103 rejection of independent claims 10, 22 and 26, the rejection is overcome for at least similar reasons discussed above regarding claim 1, in that the cited references, alone or in combination fail to teach or suggest the recited main memory that includes a compression cache, a compressed memory, and a compressed memory pointer table. Furthermore, the cited references also fail to teach the victim buffer within a memory interface to directly supply an entry to a requester if a tag match occurs in the victim buffer.

Regarding claims 22 and 26, these claims are patentable for at least the same reasons described above regarding claim 1 for the failure of the cited art to teach or suggest the recited structures of both the memory interface and main memory.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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